

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEVIN HARRIS

9697 Highpoint Road
Thornville, Ohio 43076

Plaintiff,

v.

**ENHANCED RECOVERY COMPANY,
LLC**

c/o Capitol Corporate Services, Inc.
4658 Mayfield Road, Suite 204
Cleveland, Ohio 44121,

Defendant.

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) Case No: 2:13-cv-449

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) JURY DEMAND REQUESTED

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) **CIVIL COMPLAINT**

) **(Unlawful Debt Collection Practices)**

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COMPLAINT

PLAINTIFF, Kevin Harris (Plaintiff), by his attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT, Enhanced Recovery Company, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in the City of Thornville, Perry County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a Delaware limited liability company and debt collector with an office in Jacksonville, Florida.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Beginning in approximately November 2012 and continuing into at least January 2013, the Defendant has placed telephone calls to the Plaintiff in connection with Defendant's attempts to collect an allegedly due and owed consumer debt.
11. Defendant places collection calls to both the Plaintiff at his telephone number 740.258.7261 and to his parents' telephone number 740.246.4275.

12. Defendant places collection calls to Plaintiff approximately four to five times per week.
13. Plaintiff has explained to Defendant that he is unable to pay the underlying debt obligation because he is currently disabled.
14. Despite being informed that Plaintiff is currently unable to pay the underlying debt, Defendant continues to repeatedly place collection calls to Plaintiff multiple times per week.
15. Defendant places these calls to Plaintiff for the purposes and intent of annoying or harassing the Plaintiff. Defendant knows that Plaintiff currently cannot pay the debt and therefore has no reason to contact Plaintiff on such a frequent basis.
16. Defendant has no legitimate reason to contact the Plaintiff's parents because Defendant already has proper contact information for the Plaintiff. Defendant contacts Plaintiff's parents for the purposes of annoying or harassing the Plaintiff.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
 - b. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

WHEREFORE, Plaintiff, Kevin Harris, respectfully requests judgment be entered against Defendant, for the following:

18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
20. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Kevin Harris, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.

/s/ J. Daniel Scharville

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